

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of February, two thousand twenty-three.

Present:

Barrington D. Parker,
Richard J. Sullivan,
Sarah A. L. Merriam,
Circuit Judges.

Matthew G. Kiernan, as Public Administrator of the Estate of
Ellen Robinson, Deceased,
Plaintiff-Appellee,

v.

22-3027

East Northport Residential Health Care Facility Inc., DBA
Huntington Hills Center For Health and Rehabilitation,

Defendant-Appellant.

Appellant moves for orders (1) staying the district court's remand order pending appeal and directing the Clerk of Court for the Eastern District of New York to not take any action on the remand order pending decision in this appeal or to recall any such action, and (2) holding this appeal in abeyance pending this Court's decisions in *Leroy v. Hume*, 2d Cir. 21-2158(L), and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 2d Cir. 21-2164.

Upon due consideration, it is hereby ORDERED that the motion is DENIED as to the request for a stay of the district court's order pending the outcome of this appeal, see *Nken v. Holder*, 556 U.S. 418, 434-35 (2009), and GRANTED as to the request that this appeal be held in abeyance. Accordingly, this appeal is HELD IN ABEYANCE pending the outcome of *Leroy*, *Rivera-Zayas*, and *Solomon v. St. Joseph Hospital*, 2d Cir. 21-2729.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

 

CERTIFIED COPY ISSUED ON 02/07/2023